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7 *Attorneys for Plaintiffs*

TRAFFICSCHOOL.COM, INC. and

8 DRIVERS ED DIRECT, LLC

9 **UNITED STATES DISTRICT COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA**

11
12 TRAFFICSCHOOL.COM, INC., a
13 California corporation; DRIVERS ED
14 DIRECT, LLC, a California limited
liability company,

15 Plaintiffs,

16 vs.

17 EDRIVER, INC., ONLINE GURU,
18 INC., FIND MY SPECIALIST, INC.,
and SERIOUSNET, INC., California
19 corporations; RAVI K. LAHOTI, RAJ
LAHOTI, individuals,

20 Defendants.

CASE NO. CV 06-7561 PA (CWx)
The Hon. Percy Anderson

PLAINTIFFS' EVIDENTIARY
OBJECTIONS TO DECLARATION
OF RAJ LAHOTI IN DEFENDANTS'
POSITION IN JOINT STATUS
REPORT

Date: December 5, 2011
Time: 1:30 p.m.
Crtrm.: 15

Complaint Filed: November 28, 2006

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25 Plaintiffs TRAFFICSCHOOL.COM, INC. and DRIVERS ED DIRECT, LLC
26 hereby object to and move to strike the Declaration of Raj Lahoti including exhibits
27 thereto filed by Defendants in support of their position in the Joint Status Report.
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4825-7395-7646.1

PLAINTIFFS' EVIDENTIARY OBJECTIONS TO DECLARATION OF RAJ LAHOTI IN DEFENDANTS'
POSITION IN JOINT STATUS REPORT

Defendants have belatedly and untimely filed evidentiary objections to Mina Hamilton's Declaration and its exhibits provided in the Joint Status Report (which was filed well over a month ago), and they have made that filing in association with their submissions in opposition to Plaintiff's Motion for *Attorney's Fees*.

This was done by Defendants without leave or invitation from the Court, and without any meet and confer as required by the Local Rules.

However, to the extent that the Court is inclined to allow such evidentiary objections, Plaintiffs in an abundance of caution and to preserve their own rights and fairness of the legal proceedings, hereby object to the self-serving declaration of Raj Lahoti which was filed in support of Defendants' position in the Joint Status Report.

SPECIFIC OBJECTIONS

1. Page 1, Line 27 – Page 2, Line 1, Exhibit A:

"Attached hereto as Exhibit A is a true and correct copy of a screen shot of dmv.org's current home page design as of the date of this declaration."

Objection: Irrelevant. Lacks foundation. Improper and inadmissible opinion testimony. Exhibit A is misleading because that is not what users see when they reach the DMV.org landing page. Users would have to scroll down to see the entirety of the webpage as depicted in Exhibit A. FRE 106, 401-403, 602, 701.

Sustain: _____

Overrule: _____

2. Page 2, Lines 2-3, Exhibit B:

"Attached hereto as Exhibit B is a true and correct copy of a screen shot of dmv.org's home page design in November 2006."

Objection: Irrelevant. Lacks foundation. Improper and inadmissible opinion testimony. Exhibit B is misleading because that is not what users see when they reach the DMV.org landing page. Users would have had to scroll down to see the entirety of the webpage as depicted in Exhibit B. FRE 106, 401-403, 602, 701.

Sustain: _____

Overrule: _____

1 **3. Page 2, Lines 5-7, Exhibit C:**

2 “Marketing and Redesign Contest

3 4. Attached hereto as Exhibit C is a true and correct copy of the website
4 http://www.google.com/ after running a search with the terms "California DMV" as
5 of September 1, 2011.”

6 Objection: Irrelevant. Lacks foundation. Improper and inadmissible opinion
7 testimony. Exhibit C, which allegedly shows the website http://www.google.com/
8 after running a search with the terms "California DMV", lacks foundation, is
9 irrelevant and constitutes improper and inadmissible opinion. FRE 106, 401-403,
10 602, 701.

11 Sustain: _____

Overrule: _____

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13 **4. Page 2, Lines 8-15, Exhibit D:**

14 “Attached hereto as Exhibit D is a true and correct copy of a screen shot of
15 dmv.org's redesign contest that was run from August 5-15, 2011. As the screenshot
16 indicates, the contest, which was open and announced to the public, requested
17 submissions of website designs for a ‘completely different look and feel for the new
18 DMV.org site.’ The submitted designs were also required NOT to ‘use any
19 government insignia, official seals, or anything that would give the impression that
20 this is a government site.’ The contestants were advised that dmv.org was ‘happy to
21 be non-governmental and look friendly.’”

22 Objection: Irrelevant. Lacks foundation. Improper and inadmissible opinion
23 testimony. Mr. Lahoti's statements as well as Exhibit D, which allegedly shows the
24 screen shot of “dmv.org's redesign contest”, lacks foundation, is irrelevant, and
25 expresses improper and inadmissible opinion testimony. FRE 106, 401-403, 602,
26 701.

27 Sustain: _____

Overrule: _____

1 **5. Page 2, Lines 17-18, Exhibit E:**

2 “Attached hereto as Exhibit E is a true and correct copy of a screen shot of
3 dmv.org's current ‘contact form’ as of the date of this declaration.”

4 Objection: Irrelevant. Lacks foundation. Improper and inadmissible opinion
5 testimony. Exhibit E, which allegedly consists of a “screen shot of dmv.org’s
6 current ‘contact form’”, lacks foundation, is irrelevant, and expresses improper and
7 inadmissible opinion testimony. FRE 106, 401-403, 602, 701.

8 Sustain: _____ Overrule: _____

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10 **6. Page 2, Lines 19-20, Exhibit F:**

11 “Attached hereto as Exhibit F is a true and correct copy of a screen shot of
12 dmv.org's ‘contact form’ in November 2006.”

13 Objection: Irrelevant. Lacks foundation. Improper and inadmissible opinion
14 testimony. Exhibit F, which allegedly consists of a “screen shot of dmv.org’s current
15 ‘contact form’”, lacks foundation, is irrelevant, and expresses improper and
16 inadmissible opinion testimony. FRE 106, 401-403, 602, 701.

17 Sustain: _____ Overrule: _____

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19 **7. Page 2, Lines 23-25:**

20 “Facebook is a third party platform separate and distinct from dmv.org, on
21 which Facebook users can post comments to the ‘Wall.’”

22 Objection: Irrelevant. Lacks foundation. Improper and inadmissible opinion
23 testimony. Mr. Lahoti’s statement that Facebook is “separate and distinct from
24 dmv.org,” lacks foundation, is irrelevant, and expresses improper and inadmissible
25 opinion testimony. FRE 401-403, 602, 701.

26 Sustain: _____ Overrule: _____

1 Plaintiffs respectfully request that the Court sustain Plaintiffs' objections and
2 strike the Declaration of Mr. Raj Lahoti and the exhibits thereto.

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4 DATED: November 21, 2011 LEWIS BRISBOIS BISGAARD & SMITH LLP

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By: /s/ Mina I. Hamilton

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Mina I. Hamilton

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Attorneys for Plaintiffs

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TRAFFICSCHOOL.COM, INC. and

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DRIVERS ED DIRECT, LLC

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